IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 15859 of 2004

Between:

Board of Secondary Education, AEL Church, rep. by its Chairman, W/o.Late M.Abraham, Guntur District.

..... PETITIONER

AND

1 The District Educational officer, East Godavari District, Kakinada.
2 The Regional Joint Director of School Education, Kakinada, E.G.Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus declaring the action of the respondents 1 and 2 in not according permission to fill up the aided posts as per the Government orders and proceedings of the commissioner and Director of School Education, A.P. Hyderabad dated 21-9-2002 as illegal, improper, unjust, arbitrary and contrary to law and further direct the respondents to constitute selection committee to fill up the aided posts in the following institutions namely, Lutheran High School, ALCOT Garden, Rajahmundry, Lutheran High School, Sakhinetipalle, Lutheran High School, Jampet, Rajahmundry, Scheda Girls High School, Rajahmundry and whittaker Aided Elementary School, Samalkota and approve the same and pass such other orders

Counsel for the Petitioner:MR.K.G.KRISHNA MURTHY

Counsel for the Respondent Nos.1 and 2: GP FOR EDUCATION

The Court at the admission stage made the following Order:

THE HON'BLE DR JUSTICE G.YETHIRAJULU

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WRIT PETITION NO. 15859 OF 2004

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ORDER:

Petitioner Management is running several educational institutions under its control and some of the institutions are having permanent minority status and the minority status of some other educational institutions is being extended from time to time. It is an undisputed fact that there are number of vacancies to the posts of teachers in all the educational institutions which are being run under the control of the petitioner Management. Petitioner Management made representation to the first respondent to accord permission to fill up the vacancies of teacher posts, but the first respondent rejected on the ground that the Management has to obtain permission from the Government as per G.O.Ms.No.75, dated 23-09-2002. Thereafter, the petitioner Management made a representation to the Commissioner and Director of School Education, Hyderabad requesting to accord permission for filling up the aided vacant posts of teachers in five institutions, who inturn referred the matter to the Government and the Government of A.P. through Memo dated 21-09-2002 permitted the Commissioner and Director of School Education to accord permission in respect of the five institutions which are being run under its control and in addition to the schools which are being run under different Managements after duly verifying the eligibility in respect of the Managements covered in the writ petitions of the year 2001-2002. Pursuant to the said Memo 21-09-2002, the Commissioner and Director of School Education vide proceedings dated 02-10-2002 accorded permission to the

schools covered by the memo of the Government for recruitment of Secondary Grade Teachers. In respect of the five institutions, which are being run under the control of the petitioner Management, despite the receipt of the orders from the Government and the Commissioner of School Education, the first respondent started entertaining doubts and correspondence with the petitioner Management. Hence the writ petition.

Since there is no dispute regarding the minority status of three institutions, which were accorded minority status on permanent basis, there shall not be any objection for the first respondent to proceed with the process of recruitment. In respect of other two institutions also, the first respondent shall verify the record as to whether they continue to have the minority status as on the date of the proposed recruitment and if they continued to be the minority institutions, the recruitment shall also be made in respect of those two institutions in terms of G.O.Ms.No.1 Education Department, dated 01-01-1994. In case, if the first respondent finds the other two institutions are without minority status as on the date of the recruitment, he shall follow the G.O.Ms.No.75, dated 23-09-2004.

The first respondent instead of expediting the process of recruitment, is unnecessarily delaying the matter. Therefore, in view the Memo dated 21-09-20002 and the proceedings dated 01-10-2002 issued by the Commissioner and Director of School Education, Hyderabad, the first respondent is directed to take steps for according permission as to the recruitment in the vacancies of Secondary Grade Teachers expeditiously by following the relevant Government Orders applicable to the minority and non-minority institutions and shall report compliance to the concerned higher authorities within two weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No costs.

24-09-2004

usd

To

1 The District Educational officer, East Godavari District, Kakinada.
2 The Regional Joint Director of School Education, Kakinada, E.G.Dist.

3. Two CCs to G.P. for School Education, A.P. High Court Buildings, Hyderabad (o.u.t)

4. 2CD copies